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REMARKS

After entry of the amendments made herein, Claims 1 – 6, 8 – 15, 17– 22, 25 – 29 and 31 – 33 and 35–38 are pending in the application. Claims 7, 16, 23 – 30, 34 and 35 have been cancelled. Claims 1, 9, 10, 33, 38, and 39 have been amended. New claim 40 has been added. No new matter has been added by virtue of the amendments or new claims, support being found throughout the specification and from the claims as filed. In particular, support for the amendments can be found in the present disclosure, for example at page 8, lines 11 – 14 and in Example 1 on page 18, at line 14.

Any cancellation of the claims should in no way be construed as acquiescence to any of the Examiner's rejections and was done solely to expedite the prosecution of the application. Applicant reserves the right to pursue the claims as originally filed in this or a separate application(s).

Claim Rejections

35 U.S.C. § 112, second paragraph

Claims 1 – 6, 8 – 15, 17 – 22, 25, 26, 28, 31 – 33, and 35 – 39 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for allegedly failing to point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse the rejection.

The Examiner argues that “with respect to claims 1 and 38, said claims...recite ‘the electric field minimizes the risk for unwanted fusion of surrounding cells’...however it is not clear what constitutes minimizing such a risk (and) it is not clear what field strength would represent such minimization.” (Office Action, p.2).

Although in no way acquiescing to the validity of the rejection, and solely in the interest of advancing prosecution and allowance of the claims, Applicants have amended the claims to indicate that “the electric field is between 0.1 – 10 kV/cm,” as set forth in the specification. Applicants respectfully request that the rejection be withdrawn.

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The Examiner argues that "claims 9 and 10 recite 'electrode(s)'. However, claim 2, from which they depend, recites a single electrode (and) as such, the alternative plural is confusing." (Office Action, p.2). Applicants have amended the claims to recite electrode in the singular, and respectfully request that the rejection be withdrawn.

The Examiner argues that "claim 22 recites 'fusogenic or other agent that promotes close cell-cell contacts.' However the scope of the claim is rendered unclear, because it is not clear if the phrase encompasses all agents that promote close cell-cell contacts, in which case the recitation of the fusogenic agent is confusing as it adds nothing to the claim." (Office Action, p.2 – 3). Applicants have amended the claims to delete the term "fusogenic agent," and respectfully request that the rejection be withdrawn.

The Examiner argues that "claims 25, 26 and 28 are confusing as they are drawn to a method of using a method, and so not actually contain any process steps beyond those implied by the method of the claim from which they depend." (Office Action, p.3).

Although in no way acquiescing to the validity of the rejection, and solely in the interest of advancing prosecution and allowance of the claims, Applicants have cancelled claims 25, 26 and 28. Applicants respectfully request that the rejection be withdrawn.

The Examiner argues that "claim 33 recites 'one electrode(s)' which is confusing as to whether the plural is actually included." (Office Action, p.3). Applicants have amended the claims to recite electrode in the singular, and respectfully request that the rejection be withdrawn.

The Examiner argues that "in claim 35, the terms *in vitro* and *ex vivo* are used as mutually exclusive in the art, and as such, the equation of the terms in the instant claim is confusing." (Office Action, p.3).

Although in no way acquiescing to the validity of the rejection, and solely in the interest of advancing prosecution and allowance of the claims, Applicants have cancelled claim 35. Applicants respectfully request that the rejection be withdrawn.

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The Examiner indicates that "claim 39 is improper and confusing as it depends from itself." (Office Action, p.3). Applicants have amended claim 39 to recite the proper dependency and respectfully request that the rejection be withdrawn.

CONCLUSION

In view of the above amendment and remarks, Applicants believe the pending application is in condition for allowance.

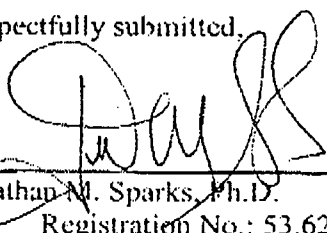
A one month extension of time is requested.

Should the Examiner wish to discuss any of the amendments and/or remarks made herein, the undersigned attorney would appreciate the opportunity to do so.

The Director is hereby authorized to charge any credits or deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 59760 (47137).

Respectfully submitted,

Date: November 6, 2009


By: _____
Jonathan M. Sparks, Ph.D.
Registration No.: 53.624
EDWARDS ANGELL PALMER &
DODGE, LLP
P.O. Box 55874
Boston, MA 02205
Telephone No.: (617) 239-0719
Attorneys/Agents For Applicant

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